

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

NATASHA HUFFORD, *et al.*,

Plaintiffs,

Case No. 3:20-cv-22

vs.

JP MANAGEMENT GROUP, INC.,

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

ORDER: (1) GRANTING PLAINTIFF NATASHA HUFFORD'S MOTION TO SUBSTITUTE CHAPTER 7 BANKRUPTCY TRUSTEE AS PLAINTIFF (DOC. NO. 55); (2) DIRECTING TRUSTEE FRIESINGER TO ENTER AN APPEARANCE; (3) GRANTING TRUSTEE FRIESINGER LEAVE OF COURT TO FILE AN AMENDED COMPLAINT WITHIN 14 DAYS FROM THE DATE OF THIS ORDER; AND (4) DENYING AS MOOT DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AS TO HUFFORD'S CLAIMS (DOC. NO. 47)

This motion is before the Court on Plaintiff Natasha Hufford's motion to substitute Patricia Friesinger, Esq., Chapter 7 bankruptcy trustee for Hufford's bankruptcy estate, as the real party in interest and Plaintiff in this matter. Doc. No. 55. Defendant filed an opposition memorandum. Doc. No. 56. Plaintiff did not offer a reply brief, and the time for doing so has passed. S.D. Ohio Civ. R. 7.2(a)(2). This motion is ripe for review.

Upon consideration of the parties' arguments, and pursuant to Fed. R. Civ. P. 17(a)(3), 21, and 25(c), the Court hereby **GRANTS** Plaintiff's motion to substitute. Trustee Friesinger is **DIRECTED** to enter an appearance and **GRANTED LEAVE** to file an amended complaint within 14 days from the date of this Order. Fed. R. Civ. P. 15(a)(2).

Also pending is Defendant's Fed. R. Civ. P. 56 motion for summary judgment as to Hufford's claims. Doc. No. 47. That motion is fully briefed and ripe for review. Doc. Nos. 50,

52, 54. Defendant argues that Hufford lacks standing to bring her claims as a real party in interest after forfeiting that right upon filing for Chapter 7 bankruptcy. Doc. No. 47 at PageID 433. Because Trustee Friesinger has now been substituted as Plaintiff in this litigation, Defendant's motion for summary judgment is hereby **DENIED AS MOOT**. *See, e.g., Auday v. Wet Seal Retail, Inc.*, 698 F.3d 902, 904 (2012).

IT IS SO ORDERED.

Date: March 17, 2022

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge